

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED SEVENTEENTH LEGISLATIVE DAY
FRIDAY, MAY 8, 2009

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Darrington and Pearce and Acting Senator Thorson, absent and formally excused by the Chair; and Senator Winder, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of May 7, 2009, was read and approved as corrected.

JORGENSEN, Vice Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

May 8, 2009

The JUDICIARY AND RULES Committee reports that [S 1225](#), [S 1235](#), [S 1239](#), and [S 1246](#) have been correctly enrolled.

JORGENSEN, Vice Chairman

The President Pro Tempore signed Enrolled [S 1225](#), [S 1235](#), [S 1239](#), and [S 1246](#) and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Winder was recorded present at this order of business.

The President Pro Tempore announced that [HCR 32](#) was before the Senate for final consideration.

Moved by Senator Cameron, seconded by Senator Werk, that [HCR 32](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Darrington, McKenzie, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [HCR 32](#) adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 34](#) was before the Senate for final consideration.

Moved by Senator McGee, seconded by Senator Bilyeu, that [HCR 34](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Keough, LeFavour, Lodge, McGee, McKague, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 30.

NAYS—Kelly. Total - 1.

Absent and excused—Darrington, McKenzie, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [HCR 34](#) adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 211](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 211](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Darrington, McKenzie, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [H 211](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 374](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 374](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Siddoway, Smyser, Welker (Mortimer), Winder. Total - 23.

NAYS—Bilyeu, Coiner, Herzfeld (Bock), Kelly, LeFavour, Sagness (Malepeai), Schroeder, Stegner, Werk. Total - 9.

Absent and excused—Darrington, Pearce, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 374](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 286](#), as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 286](#), as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Geddes, Goedde, Hammond, Heinrich (Heinrich), Hill, Jorgenson,

Keough, Lodge, McGee, McKague, Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 24.

NAYS—Bilyeu, Fulcher, Herzfeld (Bock), Kelly, LeFavour, Sagness (Malepeai), Werk. Total - 7.

Absent and excused—Darrington, McKenzie, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [H 286](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 376](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 376](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Hammond, Heinrich (Heinrich), Hill, Jorgenson, Keough, Lodge, McGee, McKague, Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 24.

NAYS—Bilyeu, Broadsword (Broadsword), Herzfeld (Bock), Kelly, LeFavour, Sagness (Malepeai), Werk. Total - 7.

Absent and excused—Darrington, McKenzie, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [H 376](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 377](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 377](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Darrington, McKenzie, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [H 377](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 378](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 378](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Coiner, Darrington, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [H 378](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

May 8, 2009

Dear Mr. President:

I return herewith Enrolled [S 1130](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1130](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1228](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 30.

NAYS—None.

Absent and excused—Darrington, Hill, Pearce, Thorson (Stennett), Werk. Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [S 1228](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1236](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Darrington, Goedde, Pearce, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [S 1236](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little assumed the Chair.

On request by Senator McGee, granted by unanimous consent, [S 1147](#), as amended, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [S 1147](#), as amended, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1147, As Amended AMENDMENT TO THE BILL

On page 2 of the engrossed bill, following line 31 insert:

"SECTION 4. That Section 40-315, Idaho Code, be, and the same is hereby amended to read as follows:

40-315. POWERS AND DUTIES – FEDERALLY-FUNDED HIGHWAY PROJECT FINANCING. (1) In order to address the increasing need for timely improvements to Idaho's highway transportation infrastructure, the board may:

(a) Enter into agreements with the Idaho housing and finance association in connection with the funding of highway transportation projects qualifying for reimbursement from federal funds.

(b) Approve and recommend federal highway transportation projects to the Idaho housing and finance association for financing by the association. Such federal highway transportation projects shall be eligible for federal-aid debt financing under chapter 1, title 23, United States Code, and approval by the federal highway administration as an advanced construction (AC) project thereunder. The board shall select and designate such transportation projects to be funded with bond proceeds from the following list of eligible projects:

ROUTE	PROJECT DESCRIPTION
US-95	SH-1 to Canadian border
US-95	Garwood to Sagle <u>(with southern termini of the project at approximately Wyoming Avenue and with the northern termini of the project at approximately the south side of Sandpoint)</u>
US-95	Worley to Setters
US-95	Thorn Creek to Moscow
US-95	Smokey Boulder to Hazard Creek
SH-16 Ext	South Emmett to Mesa with connection to SH-55
SH-16 Ext	I-84 to South Emmett
I-84	Caldwell to Meridian
I-84	Orchard to Isaacs Canyon
US-93	Twin Falls alternate route and new Snake River crossing
SH-75	Timmerman to Ketchum
US-20	St. Anthony to Ashton
US-30	McCammon to Soda Springs

(c) On and after July 1, 2008, all allocations of GARVEE bond proceeds shall be the sole responsibility and duty of the Idaho transportation board. The legislature shall have authority to approve a total GARVEE bond amount on an annual basis. However, the Idaho transportation board is directed to allocate bond revenue only among the projects listed in subsection (1)(b) of this section. In making its funding allocation for projects, the board shall take into consideration: the cost of the project and whether or not that project could be financed without bonding; whether the project is necessary to facilitate the traffic flow on vital transportation corridors; and whether the project is necessary to improve safety for the traveling public. On and after July 1, 2008, the board shall use due care in selecting projects for

bonding and shall balance and coordinate the use of bonding with the use of highway construction moneys.

Notwithstanding the provisions of subsection (1)(b) of this section wherein eligible projects are listed for selection and designation by the board, if any of the designated projects are deemed to be ineligible by the board, the board shall have the authority to replace those projects with other projects listed in subsection (1)(b) of this section.

(2) Prior to issuance by the Idaho housing and finance association of any bonds or notes to finance highway transportation projects, the board shall certify to the association that sufficient federal transportation funds are available to make any payments required for such bonds or notes.

(3) The board shall limit annual, total cumulative debt service and other bond-related expenses as follows:

(a) In the 2006 legislative session for the fiscal year 2007 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(b) In the 2007 legislative session for the fiscal year 2008 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(c) In the 2008 legislative session for the fiscal year 2009 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(d) In the 2009 legislative session for the fiscal year 2010 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(e) In the 2010 legislative session for the fiscal year 2011 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than thirty percent (30%) of annual federal-aid highway apportionments.

(f) Beginning with the 2011 legislative session for the fiscal year 2012 budget, or for any year thereafter, the thirty percent (30%) limit may be exceeded, but only by affirmative action of both the house of representatives and the senate, and with the approval of the governor.

(4) In the event the board selects and designates to be funded with bond proceeds any of the transportation projects listed in subsection (1) of this section, and prior to entering into agreements with the Idaho housing and finance association as provided herein, the Idaho transportation department, as part of its annual budget request prepared pursuant to section 67-3502, Idaho Code, shall include a request for bonding authority as a separate item of its budget request. This request for bonding authority shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

(5) By June 30 of each year, the board shall submit a report to the legislature concerning projects currently under construction using the bond financing as authorized by the provisions of this section, and shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that Section 4 of this act expand the northern and southern boundaries of the Garwood to Sagle project in

the following manner: the southern boundary of the project is expanded to approximately Wyoming Avenue in Hayden and the northern boundary of the project is expanded to approximately the south side of Sandpoint. All prior appropriations and bonding authority authorizations to the Idaho Transportation Department for the Garwood to Sagle project are hereby amended to include expenditures on those portions of the project between Garwood and the southern boundary of the project which is approximately Wyoming Avenue and between the northern boundary of the project which is approximately the south side of Sandpoint.

It is further legislative intent that innovative and nontraditional approaches to delivering transportation projects, such as revenue generated via GARVEE bonding and the design and construction of transportation projects via a design-build approach, are necessary to meet future transportation needs of Idaho.

SECTION 6. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act."; and if necessary, renumber sections accordingly.

CORRECTION TO TITLE

On page 1, delete line 2 and insert: "RELATING TO HIGHWAYS; AMENDING"; in line 11, delete "AND"; and in line 12, following "CONTRACT" insert: "; AMENDING SECTION 40-315, IDAHO CODE, TO REVISE THE DESCRIPTION OF AN ELIGIBLE PROJECT; PROVIDING LEGISLATIVE INTENT; AND PROVIDING SEVERABILITY".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), and [S 1087](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1147](#), as amended, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

May 8, 2009

The JUDICIARY AND RULES Committee reports that [S 1147](#), as amended, as amended, have been correctly engrossed.

JORGENSEN, Vice Chairman

[S 1147](#), as amended, as amended, was filed for first reading.

May 8, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1147](#), as amended, has been correctly printed.

JORGENSEN, Vice Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

May 7, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1234](#) and [S 1241](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

May 8, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 275](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 275](#) and ordered it returned to the House.

May 8, 2009

Dear Mr. President:

I return herewith Enrolled [S 1225](#), [S 1235](#), [S 1239](#), and [S 1246](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1225](#), [S 1235](#), [S 1239](#), and [S 1246](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

May 8, 2009

Dear Mr. President:

I return herewith [S 1228](#) and [S 1236](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1228](#) and [S 1236](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1147](#), as amended, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1147](#), as amended, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1147](#), as amended, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Hammond, Heinrich (Heinrich), Hill, Jorgenson, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 27.

NAYS—Herzfeld (Bock), Kelly, Werk. Total - 3.

Absent and excused—Bilyeu, Darrington, Goedde, Pearce, Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President declared [S 1147](#), as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1245](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bilyeu, Darrington, Goedde, Pearce, Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President declared [S 1245](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On request by Senator Davis, granted by unanimous consent, the President ordered the Sergeant at Arms to retrieve the Idaho

State flag that had been raised over the Senate Chamber during the First Regular Session of the Sixtieth Legislature of the State of Idaho. The flag was presented by President Pro Tempore Geddes to Senator Patti Anne Lodge, Chairman, Senate Health and Welfare Committee, for her exemplary service to the Senate.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Schroeder, Chairman, and Acting Senators Welker and Herzfeld to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Lodge, Chairman, and Senators Winder and LeFavour to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the Senate's message. The committee conveyed the Speaker's response to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the Senate's message. The committee conveyed the Governor's response to the President and the members of the Senate.

The President thanked and discharged the committee.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the First Regular Session of the Sixtieth Legislature of the Idaho Senate adjourned *Sine Die* at 1:49 p.m., Friday, May 8, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

[Note: The following is action recorded after Senate *Sine Die*:]

May 8, 2009

Dear Mr. President:

I transmit herewith Enrolled [HCR 32](#), [HCR 34](#), [H 211](#), [H 374](#), [H 376](#), [H 377](#), [H 378](#), [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

Enrolled [HCR 32](#), [HCR 34](#), [H 211](#), [H 374](#), [H 376](#), [H 377](#), [H 378](#), [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, were signed by the President and returned to the House.

May 8, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1130](#), [S 1225](#), [S 1235](#), [S 1239](#), and [S 1246](#) were delivered to the Office of the Governor at 2:30 p.m., May 8, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

May 8, 2009

Dear Mr. President:

I return herewith [S 1245](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1245](#) was referred to the Judiciary and Rules Committee for enrolling.

May 8, 2009

The JUDICIARY AND RULES Committee reports that [S 1228](#), [S 1236](#), and [S 1245](#) have been correctly enrolled.

DARRINGTON, Chairman

Enrolled [S 1228](#), [S 1236](#), and [S 1245](#) were signed by the President and transmitted to the House for the signature of the Speaker.

May 8, 2009

Dear Mr. President:

I return herewith Enrolled [S 1228](#), [S 1236](#), and [S 1245](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1228](#), [S 1236](#), and [S 1245](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

May 8, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1228](#), [S 1236](#), and [S 1245](#) were delivered to the Office of the Governor at 4:25 p.m., May 8, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

May 11, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1225](#), [S 1233](#), [S 1235](#), and [S 1239](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

May 12, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1130](#), [S 1228](#), [S 1236](#), and [S 1245](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

May 20, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bill, to wit:

[S 1246](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

CERTIFICATE

State of Idaho)
Senate Chamber, Boise, Idaho)

We, BRAD LITTLE, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of May 8, 2008, the One hundred seventeenth Legislative Day, has been read and approved:

And, said Journal contains a true, complete, and accurate record of all Senate proceedings of said day, including final actions by the House of Representatives and the Governor of the State of Idaho, as statutorily mandated.

IN WITNESS WHEREOF, we have hereunto set our hand this 18th day of May, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary
